

REMARKS

Claims 1, 4-7, 9-31, and 33-44 are pending in the application. By amendment herewith, Claim 1 is being changed, Claim 38 is being cancelled and new Claims 148 and 149 are being added. After entry of the amendments made wherewith, Claims 1, 4-7, 9-31, 33-37, 39-44, 148 and 149 are pending in the application.

It is acknowledged with appreciation that the Examiner has withdrawn all prior claim rejections made in the July 15, 2003 Office Action. It is agreed that the Rule 132 Declaration of Dr. Claire M. Coeshott demonstrates significant and unexpected results, for reasons as stated in the Declaration and apparent from the data presented therewith.

The Examiner has stated a new objection to Claim 1 under 35 U.S.C. § 112, second paragraph, asserting that there is some confusion with respect to the text “some temperature range within a range of from 1°C to 37 °C”. It is respectfully submitted that there is no ambiguity or confusion with respect to the meaning of that text. It simply means, as it clearly states, that the recited reverse thermal viscosity behavior is exhibited with increasing temperatures over some “temperature range”, with a requirement that the “temperature range” be within the boundaries of the stated range of 1°C to 37 °C. Nevertheless, the text of Claim 1 has been amended to remove the second use of the word “range”, while maintaining the same meaning with respect to the “temperature range” feature. The amendment is to accommodate the textual preference of the Examiner. The amendment is neither narrowing in scope nor made for any purpose related to patentability.

It is acknowledged with appreciation that no claim rejections were stated with respect to pending dependent Claims 13, 14, 34 and 36-42. To advance prosecution, independent Claim 1, the only pending independent claim, has been amended to include the compositional limitations of unrejected dependent Claim 38, and Claim 38 has been cancelled. All pending claims should, therefore, now be in condition for allowance.

New Claims 148 and 149 further require that substantially all of the polymer or of the polymer and the antigen are dissolved in the aqueous liquid of the composition at some temperature within the range of 1°C to 37 °C. As discussed in the application, dissolution of the polymer and the

antigen is one preferred embodiment when the composition is in the form of a flowable medium. A discussion concerning this subject matter is presented in the specification, for example, at page 14, line 5 through page 16, line 31.

Accompanying the April 5, 2004 Office Action is an Interview Summary from the Examiner summarizing the substance of a telephone interview on February 10, 2004. The Interview Summary accurately summarizes the substance of the telephone interview, except that the name of the undersigned participant is misspelled in the Interview Summary and the referenced Office Action had a mailing date of January 28, 2004, rather than January 22, 2004 as stated in the Interview Summary. In addition to the substance as summarized in the Interview Summary, it is noted that during the telephone interview, agreement was reached that the pending claims were allowable, with the only rejection, based on obviousness, having been overcome.

The amendment to Claim 1 presented herewith is being made to advance prosecution, even though the appropriateness of the rejections under 35 U.S.C. § 112, first paragraph (enablement and written description) and 35 U.S.C. § 102 made in the April 5, 2004 Office Action are not agreed with. With the amendments made wherewith, however, the rejections are rendered moot.

Four substantive office actions have issued on this application, and three substantive responses and a Rule 132 declaration have now been filed, and two telephone interviews have been conducted (one of the Office Actions having been vacated) in an earnest attempt to advance prosecution. Throughout this process, focused amendments, remarks and supplementary information have been presented to positively address concerns raised by the Examiner. Once again, the claims are being amended in a positive attempt to address the Examiner's stated concerns, through incorporation of features of unrejected dependent claim 38. The Claims are in condition for allowance, and issuance of a Notice Of Allowance is earnestly requested.

By amending Claim 1 herewith, it is to be expressly understood that there is no intention to disclaim or surrender unclaimed subject matter, including any subject matter previously within the scope of the claims and now excluded from the claims based on the amendments made herewith. Specifically reserved is a right to pursue claims to any unclaimed subject matter in one or more continuation applications.

If the Examiner believes that it would be helpful to discuss any of the amendments or remarks presented herein, the Examiner is respectfully invited to contact the undersigned at the telephone number provided below.

Respectfully submitted,

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